

REMARKS

Claims 1-3, 7-9 and 11-17 are pending in the above-identified application.

Allowed Claims

Claims 1-3, 7-9 and 11-17 have been allowed.

Removal of Basis for Rejections of Claims 9 and 17

Claim 9 has been rejected under 35 USC 112, second paragraph, as being indefinite because the recited flexural modulus does not fall completely within in the range recited in the base claim (i.e. ultimately claim 1). Claim 9 has been amended so as to delete the flexural modulus range so as to remove the basis for this rejection. Consequently, this rejection should be withdrawn.

Claim 17 has been rejected under 35 USC 112, first paragraph, as allegedly failing to comply with the written description requirement. The Final Office Action asserts that the hardness range recited in claim 17 is not fully supported by the disclosure of the present specification.

In response to this rejection, it is submitted that the range in claim 17 is indeed fully supported by the present specification. Please note Table A below which shows the hardness differences for each of Example Nos. 1, 2 and 3 based on the “Center point” and “Surface (a)” hardness values taken from Table 4 at page 37 of the present specification. The hardness differences are easily calculated from Example Nos. 1-3.

Table A

Example No.	1	2	3
Hardness of the center (Shore D hardness)			
Central point hardness (Hc)	32	30	29
Surface hardness (Hs)	44	46	41
Hardness difference (Hs-Hc)	12	16	12

It is noted, in addition to the above, that it is completely acceptable to claim ranges based on endpoints from examples described in the specification as clearly stated in *In re Wertheim*, 541 F.2d 257, 191 USPQ 90 (CCPA 1976); MPEP 2163.05, Rev. 3 August 2005, pp. 2100-189 to 2100-190. Consequently, there is no basis for this rejection such that this rejection should be withdrawn.

Entry and Consideration of Amendment

It is submitted that the deletion of a range in claim 9 and the explanation of clear support for the subject matter of claim 17 raises no new significant issues and at least places the present application into better form for consideration on appeal, should an appeal be necessary, such that this Amendment should be fully considered and entered of record under 37 CFR 1.116(a).

It is submitted for the reasons above that the present claims define patentable subject matter such that this application should now be placed in condition for allowance.

If any questions arise in the above matters, please contact Applicant's representative, Andrew D. Meikle (Reg. No. 32,868), in the Washington Metropolitan Area at the phone number listed below.

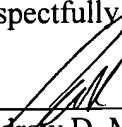
Application No. 10/616,968
Amendment dated April 26, 2006
Reply to Office Action of January 26, 2006

Docket No.: 0020-5156P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: April 26, 2006

Respectfully submitted,

By 
Andrew D. Meikle
Registration No.: 32,868
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant